

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FERDINAND HENDRIKS, ZON-YIN SHAE,
BELLE L. TSENG and XIPING WANG

Application 09/642,531



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 12, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellant filed an Appeal Brief on February 28, 2005. Although the brief appears to be appropriately filed under the new rules as per 37 CFR § 41.37, the brief is missing two of the appendix headings required under 37 CFR § 41.37(c). The missing headings are, **(ix.) Evidence Appendix and (x.) Related Proceedings Appendix**). Appropriate correction is required.

In addition, the Examiner's Answer mailed April 29, 2005, seems to follow the old format (37 CFR § 1.192(c)). However, 37 CFR § 1.192 was abolished on September 13, 2004, and replaced by 37 CFR § 41.37, and as such the answer should have been drafted as set forth under 37 CFR § 41.37.

Therefore, a substitute brief that is in full compliance with § 41.37(c) (including all of the headings, (i.e., (ix.) Evidence Appendix and (x.) Related Proceedings Appendix) is required. Likewise a substitute examiner's answer in compliance with the new rules is required.

Accordingly, it is


ORDERED that the application is returned to the examiner:

a) to hold the Appeal Brief filed February 28, 2005, defective and notification to appellants to file a substitute Appeal Brief or Supplemental Sheets to the brief containing the missing headings noted above;

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- b) to vacate the Examiner's Answer mailed April 29, 2005, and issue a revised Examiner's Answer in accordance with the new rules effective September 13, 2004, and
- c) for such further action as may be appropriate.

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AND INTERFERENCES

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